



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

MINUTES OF THE COMMITTEE
ON
LAW AND JUSTICE

Tuesday, October 17, 2017 9:00 a.m. Room 327 House Office Building

The House Standing Committee on Law and Justice was called to order by Chairman Kesto.

Members present: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Robinson, Guerra, Liberati, Wittenberg.

Members absent/excused: None.

Representative Lucido moved to adopt the minutes of October 3, 2017. There being no objection, the motion prevailed by unanimous consent.

Chairman Kesto laid the following bill before the committee:

HB 4752 (Kesto)	Probate; wills and estates; fee ratio and reporting requirement; revise, and remove sunset.
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Milton Mack, representing the State Court Administrative Office, testified in support of the bill. Questions and discussion followed.

The following people submitted a card in support of the bill, but did not wish to speak:

Stephanie Johnson, representing the Michigan Probate Judges Association.
Meghann Keit, representing the Michigan Association of Counties.

Chairman Kesto laid the following bill before the committee:

HB 4882 (Lucido)	Criminal procedure; mental capacity; procedure for asserting insanity defense; expand to include misdemeanor offenses.
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Representative Lucido testified in support of the bill. Questions and discussion followed.

Chairman Kesto laid the following bills before the committee:

HB 4536 (Lucido)	Criminal procedure; expunction; expunction of all information in arrest record when individual is wrongly accused under certain circumstances; require.
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HB 4537 (Lucido) Law enforcement; law enforcement information network (LEIN); promulgation of rules to effectuate expunction and destruction of all arrest record information from LEIN and other databases by C.J.I.S. under certain circumstances; require.

HB 4538 (Lucido) Criminal procedure; pretrial procedure; expunction and destruction of biometric data; eliminate certain exceptions.

Kathy Hagenian, representing the Michigan Coalition to End Domestic and Sexual Violence, testified in opposition to the bills. Questions and discussion followed.

Kimberly Buddin, representing the American Civil Liberties Union of Michigan, submitted a card in support of the bills, but did not wish to speak.

Debi Cain, representing the Michigan Domestic and Sexual Violence Prevention and Treatment Board, submitted a card in opposition to HB 4536, but did not wish to speak.

Representative Lucido moved to report out HB 4536 with recommendation. The motion prevailed, the vote being 9-1-2.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Robinson, Liberati.

Nays: Rep. Guerra.

Pass: Reps. Chang, Wittenberg.

Representative Lucido moved to report out HB 4537 with recommendation. The motion prevailed, the vote being 9-1-2.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Robinson, Liberati.

Nays: Rep. Guerra.

Pass: Reps. Chang, Wittenberg.

Representative Lucido moved to report out HB 4538 with recommendation. The motion prevailed, the vote being 9-1-2.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Robinson, Liberati.

Nays: Rep. Guerra.

Pass: Reps. Chang, Wittenberg.

Chairman Kesto laid the following bills before the committee:

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| SB 435 | (Schuitmaker) | Courts; drug court; certification of drug treatment courts by the state court administrative office; require. |
| SB 436 | (Schuitmaker) | Courts; drug court; certification of DWI/sobriety court by the state court administrative office; amend the vehicle code to reflect. |
| SB 437 | (Schuitmaker) | Courts; other; certification of mental health courts by the state court administrative office; require. |
| SB 438 | (Schuitmaker) | Courts; other; certification of veterans courts by the state court administrative office; require. |

Tom Clement, representing the State Court Administrative Office, submitted a card in support of the bills, but did not wish to speak.

Representative Graves moved to adopt substitute (H-1) to SB 435. The motion prevailed, the vote being 11-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: Rep. Robinson.

Pass: None.

Representative Graves moved to report out SB 435 with recommendation as substitute (H-1). The motion prevailed, the vote being 10-1-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: Rep. Robinson.

Pass: Rep. Howrylak.

Representative Graves moved to report out SB 436 with recommendation. The motion prevailed, the vote being 10-1-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: Rep. Robinson.

Pass: Rep. Howrylak.

Representative Lucido moved to report out SB 437 with recommendation. The motion prevailed, the vote being 10-1-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: Rep. Robinson.

Pass: Rep. Howrylak.

Representative Roberts moved to report out SB 438 with recommendation. The motion prevailed, the vote being 10-1-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Roberts, Theis, Albert, Chang, Guerra, Liberati, Wittenberg.

Nays: Rep. Robinson.

Pass: Rep. Howrylak.

Chairman Kesto laid the following House Concurrent Resolution before the committee:

HCR 11 (Yaroch)	A concurrent resolution to urge the U.S. Drug Enforcement Administration and federal prosecutors to either enforce the federal statute criminalizing marijuana or the U.S. Congress to amend the Controlled Substances Act of 1970 to defer to the states the right to regulate marijuana within its borders under state law.
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Representative Howrylak moved to adopt substitute (H-1) to HCR 11. The motion did not prevail, the vote being 4-6-2.

UNFAVORABLE ROLL CALL

Yeas: Reps. Howrylak, Robinson, Liberati, Wittenberg.

Nays: Reps. Kesto, Lucido, Graves, Roberts, Theis, Albert.

Pass: Reps. Chang, Guerra.

Representative Yaroch explained the proposed substitute (H-2). Questions and discussion followed.

Jen Rigterink, representing the Michigan Municipal League, submitted a card in support of HCR 11 (H-2), but did not wish to speak.

Representative Lucido moved to adopt substitute (H-2) to HCR 11. The motion prevailed, the vote being 10-0-2.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Roberts, Theis, Albert, Chang, Robinson, Guerra, Wittenberg.

Nays: None.

Pass: Reps. Howrylak, Liberati.

Representative Graves moved to report out HCR 11 with recommendation as substitute (H-2).

The motion prevailed, the vote being 10-2-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Roberts, Theis, Albert, Chang, Robinson, Guerra, Wittenberg.

Nays: Reps. Howrylak, Liberati.

Pass: None.

Chairman Kesto laid the following bill before the committee:

HB 4751 (Kesto) Family law; marriage and divorce; enforceability of prenuptial agreements; clarify.

Stephanie Johnson, representing the Family Law Section of the State Bar of Michigan, submitted a card in opposition to the bill, but did not wish to speak.

Representative Chang offered the following amendments to HB 4751:

1. Amend page 1, line 5, after "**PROVES**" by striking out "**EITHER**" and inserting "**ANY**".
2. Amend page 2, following line 1, by inserting:
"**(B) THE CONTRACT WAS PRESENTED FOR CONSIDERATION AND THE CONTRACT WAS SIGNED LESS THAN 1 MONTH BEFORE THE MARRIAGE.**" and relettering the remaining subdivision.

Representative Chang moved to adopt the amendments to the bill. The motion did not prevail, the vote being 6-6-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Howrylak, Chang, Robinson, Guerra, Liberati, Wittenberg.

Nays: Reps. Kesto, Lucido, Graves, Roberts, Theis, Albert.

Pass: None.

Representative Chang offered the following amendment to HB 4751:

1. Amend page 2, line 24, by striking out all of subsection (5) and inserting:
"**(5) THIS SECTION DOES NOT LIMIT THE COURT'S AUTHORITY UNDER SECTION 23(1) OF 1846 RS 84, MCL 552.23, OR SECTION 1 OF 1949 PA 42, MCL 552.401.**".

Representative Chang moved to adopt the amendment to the bill. The motion did not prevail, the vote being 6-6-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Howrylak, Chang, Robinson, Guerra, Liberati, Wittenberg.

Nays: Reps. Kesto, Lucido, Graves, Roberts, Theis, Albert.

Pass: None.

Representative Lucido offered the following amendments to HB 4751:

1. Amend page 2, line 3, after "**DISCLOSURE**" by inserting a comma and "**INCLUDING DISCLOSURE OF ASSETS IN A DOMESTIC ASSET PROTECTION TRUST,**".
2. Amend page 2, line 25, after "**before**" by inserting "**AND AFTER THE EFFECTIVE DATE OF**".

Representative Lucido moved to adopt the amendments to the bill. The motion prevailed, the vote being 11-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Roberts, Theis, Albert, Chang, Robinson, Guerra, Liberati, Wittenberg.

Nays: None.

Pass: Rep. Howrylak.

Representative Lucido moved to report out HB 4751 with recommendation, as amended, as substitute (H-1). The motion prevailed, the vote being 7-4-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Graves, Roberts, Theis, Albert, Guerra.

Nays: Reps. Chang, Robinson, Liberati, Wittenberg.

Pass: Rep. Howrylak.

Chairman Kesto laid the following bill before the committee:

HB 4719 (Iden)	Housing; landlord and tenants; allocation of responsibilities; provide for with respect to prevention and management of bedbug infestation.
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Representative Iden and Jeff Barnum, representing the Property Management Association of Michigan, testified together in support of the bill. Questions and discussion followed.

Jim Schaafsma, representing the Michigan Poverty Law Program, testified in opposition to the bill and submitted written testimony. Questions and discussion followed.

The following people submitted a card in support of the bill, but did not wish to speak:

Karoub Associates, representing the Apartment Association of Michigan.

Jim Kirsch, representing the Property Management Association of Michigan.

The following people submitted a card in opposition to the bill, but did not wish to speak:

Judy Allen, representing the Michigan Townships Association.
Jen Rigterink, representing the Michigan Municipal League.
Kelly Bidelman, representing the Center for Civil Justice.
Kimberly Buddin, representing the American Civil Liberties Union of Michigan.

There being no further business before the committee, Chairman Kesto adjourned the meeting,
the time being 10:25 a.m.

Representative Klint Kesto, Chair_____

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